PSC

DEC 7, 1987

THE CORPORATION OF THE CITY OF MISSISSAUGA

AGENDA

COMMUNITY PLANNING & DEVELOPMENT COMMITTEE

DECEMBER 7, 1987

COUNCIL CHAMBERS - MISSISSAUGA CIVIC CENTRE

Members: Councillor H. Kennedy
Councillor P. Mullin
Councillor M. Prentice
Councillor L. Taylor, Chairman
Councillor D. Lane
Councillor T. Southorn
Mayor H. McCallion (ex officio)

PUBLIC MEETINGS

7:00 pm OZ-81-87, The Roman Catholic Episcopal Corporation for the Diocese of Toronto in Canada (St. Joseph's Catholic Church)

Prepared by: Kathy Zammit, Clerks Department, 896-5424
Date: December 2, 1987

Committee Members are requested to contact the appropriate Department Heads prior to the meeting if greater explanation or detail is required with regard to any item on this agenda.

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COMMUNITY PLANNING & DEVELOPMENT COMMITTEE - DECEMBER 7, 1987

MATTERS TO BE CONSIDERED

1. OZ-81-87 — PUBLIC MEETING - 7:00 PM - The Roman Catholic Episcopal Corporation for the Diocese of Toronto in Canada (St. Joseph's Catholic Church)

CITY OF MISSISSAUGA

AGENDA

COMMUNITY PLANNING & DEVELOPMENT COMMITTEE — DECEMBER 7, 1987

MATTERS TO BE CONSIDERED

1. Public Meeting — 7:00 pm

OZ-81-87, The Roman Catholic Episcopal Corporation for the Diocese of Toronto in Canada (St. Joseph's Catholic Church)

Report dated December 7, 1987, from Mr. R. G. B. Edmunds, Commissioner of Planning & Building, with respect to rezoning application OZ-81-87, The Roman Catholic Episcopal Corporation for the Diocese of Toronto in Canada (St. Joseph's Catholic Church) (west side of Durie Road, south of Bristol Road West - East Credit Residential District) to permit the development of a place of religious assembly and ancillary facilities, including parish hall, rectory office, and residence, with a total gross floor area of approximately 1,923 m^2 (20,700 sq ft).

Site details are as follows:

Site Area:	1.916ha (4.734a)
Frontage:	117.92m (386.88 ft) on Durie Road
Existing Official Plan Designation:	Open Space (Cemetery)
Existing Zoning:	G and H (Streetsville Zoning By-law 65-30)
Proposed Zoning:	R1-Special Section

The subject lands are partially occupied by a cemetery. Adjacent lands to the north are zoned G (Greenbelt) to preserve a small watercourse, beyond which detached dwellings are under construction in accordance with Plan M-748. Lands to the east are vacant and approved for detached dwellings under Plan M-721. To the south are detached dwellings, and to the west there is a cemetery adjacent to the Credit River.

RECOMMENDATION

That the Planning Staff Report dated December 7, 1987, to the Community Planning & Development Committee on December 7, 1987, recommending approval of the application to amend the Zoning By-law under File OZ-81-87, The Roman Catholic Episcopal Corporation for the Diocese of Toronto in Canada (St. Joseph's Catholic Church) (west side of Durie Road, south of Bristol Road West), subject to site development plan approvals and the applicant's agreeing to satisfy the financial and all other requirements of the City and any other official agency concerned with the development of these lands, be adopted.

OZ-81-87

Notice of Public Hearing

1:00PM

November 13, 1987

FILE: OZ/81/87 (W)

RECEIVED
NOV 13 1987
CLERK'S DEPARTMENT

Dear Sir or Madam: COM.PLNG./DEV. Dec 7/87

OZ/81/87(W)

Re: Proposed Place of Religious Assembly
West side of Durie Road,
South of Bristol Road West
The Roman Catholic Episcopal Corporation for
the Diocese of Toronto, in Canada

A rezoning application has been received to permit development of a place of religious assembly with accessory facilities, including parish hall, rectory and office. The attached map shows the existing zoning in the area and the proposed zoning for the subject lands, which have an area of approximately 1.916 ha (4.734 ac) with a frontage of 117.92 m (386.88 ft.) on Durie Road.

The Community Planning and Development Committee will consider this application at a public meeting to be held on December 7, 1987 at 7:00 p.m., in the Municipal Hearing Room, 2nd Floor NE, Mississauga Civic Centre, 300 City Centre Drive, Mississauga, L5B 3C1. Since you live and/or own property near the subject site, you are invited to attend this meeting and to express your opinion of the application.

The Municipal Hearing Room is on the second floor of the Civic Centre. Persons driving to the Civic Centre should park on Level B-1 of the underground garage, which is accessible from the easterly side of the building. Take the elevators to the second floor, and follow the signs to the Hearing Room. Pedestrians should enter the building through the north doors and take the second set of elevators on the west side of the Great Hall.

Further details of the planning aspects of this proposal may be obtained from Rob Freeman of the City Planning and Building Department Staff (telephone 896-5547).

If you are aware of any other persons who might be interested in this matter, kindly advise them of this public meeting.

Yours truly,

R. G. B. Edmunds,
Commissioner of Planning and Building.

Attach.

4878a/30

Corporate Report

Received by
Clerk's Dept.

Clerk's Files

Originator's
Files OZ/81/87 (W)

DATE: December 7, 1987

TO: Chairman and Members of the Community Planning and Development Committee

FROM: R. G. B. Edmunds, Commissioner of Planning and Building

SUBJECT: Rezoning Application
Proposed Place of Religious Assembly
West side of Durie Road,
south of Bristol Road West
G and H (Streetsville Zoning By-law 65-30) to R1-Special Section
The Roman Catholic Episcopal Corporation
for the Diocese of Toronto, in Canada

ORIGIN: Application received on August 24, 1987, from Day, Wilson, Campbell on behalf of the Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada, registered owners of the lands.

BACKGROUND: Details of the Application

Site Area:	1.916 ha (4.734 ac)
Frontage:	117.92 m (386.88 ft.) on Durie Road
Existing Official Plan Designation:	Open Space (Cemetery)
Existing Zoning:	G and H (Streetsville Zoning By-law 65-30)
Proposed Zoning:	R1-Special Section

History

On April 16, 1981, the Ministry of Housing approved the Official Plan, which identifies East Credit as a planning district requiring a Secondary Plan.

In June 1982, a comprehensive planning study for the East Credit Residential District was presented to the public. The land-use proposals of that study were incorporated into Official Plan Amendment 26, East Credit Secondary Plan, which was approved by the Ministry of Municipal Affairs and Housing on July 16, 1984. The East Credit Secondary Plan designates the subject lands Open Space (Cemetery).

A rezoning application under File OZ/27/86, The Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada, was received on March 6, 1986, to permit a place of religious assembly and ancillary facilities on the subject lands. In conjunction with the rezoning application, a site development plan (File S.P. 340-86, August 12, 1986) was submitted for a place of religious assembly and a social hall, meeting rooms, daycare centre, and residence, with a total gross floor area of approximately 1 796 m^2 (19,332.6 sq.ft.). However, the rezoning application was not proceeded with. Instead, an application was made to the Committee of Adjustment under File C of A 'A' 611/86, for a variance to permit the construction of a place of religious assembly, a manse, and a day nursery. The City Planning Department made the following comments:

"Section 3.4.4.a of the East Credit Secondary Plan indicates the criteria for the location of Places of Religious Assembly. The subject site does not meet those criteria. Section 3.4.4.b, however, includes the following:

In addition, other sites for Places of Religious Assembly will be considered subject to, among other matters, adequate provision being made for:

- acceptable ingress and egress, off-street parking, landscaping and buffering;
- compatibility with surrounding land uses;
- adequate engineering services;
- sufficient capacity in the transportation network;
- a design harmonious in character with adjacent development.

Satisfaction of all the above-noted matters has not been demonstrated and, therefore, the application should be refused."

On September 25, 1986, at the request of the applicant, the Committee of Adjustment deferred consideration of the subject application under File C of A 'A' 611/86 to November 6, 1986, to allow the applicant the opportunity to meet with area residents and the City Planning Department to discuss the proposal.

Prior to the on November 6, 1986 meeting the City Planning Department made the following comments to the Committee of Adjustment:

"Further to this department's comments dated September 24, 1986, some of the criteria in the East Credit Secondary Plan for the location of places of religious assembly have now been met following review of the site plan and traffic study, namely:

- acceptable ingress and egress, off-street parking, landscaping and buffering;
- adequate engineerings services;
- sufficient capacity in the transportation network.

The criteria, i.e. compatibility with surrounding uses, and a design harmonious in character with adjacent development: these touch on the whole aspect of the potential impact of a church in this location, and are a matter of judgement. This judgement to determine the extent of impact should take account of the views of residents now living in the area, primarily those to the south. Future residents would be able to make the choice of whether or not they wish to live near a church."

On November 6, 1986 the Committee of Adjustment decided to approve the applicant's request to use the subject lands for a place of religious assembly, a manse and a day nursery, subject to site plan approval by the City Site Plan Committee, having regard to the concerns of the residential neighbourhood to the south, prior to the issuance of a building permit.

On December 12, 1986 an appeal to the Ontario Municipal Board was filed by area residents against the decision of the Committee of Adjustment. On May 28, 1987, the Ontario Municipal Board concluded "that it would be inadvisable to do more than find that the proposed variance was not minor and does not maintain the general intent and purpose of the by-law. It would appear that the Corporation was proceeding in the right direction when it initially approached this matter as requiring a zoning amendment. If the Corporation decides to continue with its rezoning application the matter will eventually have to be dealt with by Council." (Ontario Municipal Board decision attached as Appendix 1) The Ontario Municipal Board allowed the appeal and dismissed the decision of the Committee of Adjustment.

In response to the Ontario Municipal Board decision, the rezoning application under File OZ/81/87 (W) was made on August 24, 1987, to change the zoning from G and H to R1-Special Section and, thereby, allow a place of religious assembly and ancillary facilities, including parish hall, rectory office and residence, with a total gross floor area of approximately 1 923 m^2 (20,700 sq.ft.), on the subject lands. A site development plan application under File S.P. 277-87 (W) was received on August 17, 1987.

Existing Land Use

The subject lands are on the west side of Durie Road, south of Bristol Road West, as shown on the attached map, and are within Neighbourhood 1, East Credit Residential District. They are partially occupied by a cemetery. Adjacent lands to the north are zoned G (Greenbelt) to preserve a small watercourse, beyond which detached dwellings are under construction in accordance with Registered Plan M-748. Lands to the east are vacant and approved for detached dwellings under Registered Plan M-721. To the south are detached dwellings, and to the west there is a cemetery adjacent to the Credit River.

COMMENTS:

The proposal is to amend the Zoning By-law from G and H (Streetsville Zoning By-law 65-30) to R1-Special Section, to permit the development of a place of religious assembly and ancillary facilities, including parish hall, rectory office, and residence, with a total gross floor area of approximately 1 923 m^2 (20,700 sq.ft.). It will be evaluated in the context of prevailing planning policies, most of which are in the East Credit Secondary Plan.

Section 3.4.4. of that Plan establishes policies for Places of Religious Assembly (P.R.A.) (See Appendix 2). These policies became necessary, because as development occurred and population increased, the demand for P.R.A. grew as well. Also, the policies were necessary as guidelines for evaluating P.R.A. proposals in the context of such Official (Primary) Plan objectives as: "privacy and comfort" of residential areas (Section 5.3.1.1) and "easy access to ..... spiritual ..... facilities" (Section 5.3.1.2). Of particular relevance are subsection a, which states a preference for locating P.R.A. on collector, major collector, and arterial roads; and subsection b, which allows for P.R.A. in locations other than on collector, major collector, and arterial roads, if certain criteria can be satisfied.

Subsection a

This subsection states:

"Places of Religious Assembly will be permitted in all land use designations subject to the guidelines in Appendix F and the following criteria:

- sites should be located on arterial, major collector, and collector roads, preferably at their intersections, adjacent to shopping centres, schools, or wherever parking facilities can be shared."

Appendix F states:

"As a guideline, sites for Places of Religious Assembly should be provided in plan areas at a ratio of one site for every 7,000 to 8,000 persons, and should range in size from 0.6 ha to 1.2 ha. These guidelines should not be interpreted as either a minimum or maximum."

Since the proposed site is on Durie Road, which is identified as a Local Road, a 20 m (66 ft.) right-of-way, intended to accommodate low volumes of traffic from nearby lands, and is not "adjacent to shopping centres, schools or wherever parking facilities can be shared", it does not meet the preferred location for P.R.A. envisaged by subsection a.

However, subsection a states that sites "should be", not "must" or "shall" or "will" be on the roads described. An element of locational flexibility is, and was intentionally included, in the policies defined in subsection b, which will be discussed later in this report.

With respect to the criteria in Appendix F, the proposed site is for 690 seat capacity on 1.9 ha (4.7 ac). From the information submitted in support of the proposal, the P.R.A. would serve between 800 and 1,000 worshipers for normal services (assuming more than one service per day), with highs of about 1,450 and 1,550 at Christmas and Easter services, respectively.

Subsection b

This subsection states:

"In addition, other sites for Places of Religious Assembly will be considered subject to, among other matters, adequate provision being made for:

- acceptable ingress and egress, off-street parking, landscaping, and buffering;
- compatibility with surrounding land uses;
- adequate engineering services;
- sufficient capacity in the transportation network;
- a design harmonious in character with adjacent development;"

During formulation of the policies, it was recognized that there could be circumstances that would allow P.R.A. on local roads without incompatibility with nearby residential areas. Although that aspect of the policies applies primarily to undeveloped areas, where the design for P.R.A. can be incorporated into the initial comprehensive planning and design processes, it does not, nor was intended to, preclude the opportunities for evaluating P.R.A. proposals in other than undeveloped residential areas. The residential area in which the subject P.R.A. is envisaged is not yet fully developed, and the development now existing did not occur at the same time and in accordance with a preconceived, comprehensive plan. It took place piecemeal over a period of more than thirty years, with each approved phase having had some objections to subsequent approvals. Nevertheless, most of the area now is occupied by detached dwellings on lots varying in size and shape. The remainder of the area, to the north and east of the subject site, is still under development in accordance with more recent approvals. Consequently the neighbourhood in which the proposed P.R.A. site is located can best be described as substantially though not fully developed.

Before addressing whether the proposed site can satisfactorily meet the prescribed tests, or criteria, some other factors that ought to be considered in assessing the appropriateness of the proposal should be mentioned. The parish of St. Joseph's is not new; it has been in existence for many, many years and has a congregation of significant size, predominantly composed of local residents. St. Josephs is not a regional-type of church oriented to any particular ethnicity. Also, the proposed site is very close to the original site and within the defined, well-established boundaries of the parish. Consequently, the proposal constitutes the relocation, not the introduction, of a P.R.A. in the general area.

Acceptable ingress and egress, off-street parking, landscaping, and buffering

Although the details of the site development plan had not been fully resolved in time for inclusion in this report, they had been sufficiently analysed to demonstrate that all aspects of the above criterion could be satisfactorily addressed in preparing the final plan for development. (The site development plan will be available at the December 7, 1987 Community Planning and Development Committee meeting) In addition to the features that can be incorporated into the actual site, to alleviate the concerns inherent in this criterion, the site's immediate environs are important in evaluating the locational appropriateness of the proposed P.R.A. To the west is a cemetery, beyond which is the Credit River; to the north is an area zoned Greenbelt on both sides of a small creek, or watercourse, farther north of which is an approved cul-de-sac for detached dwellings now under construction, but not yet occupied; similarly to the east, across Durie Road, there is an approved, not occupied development for detached dwellings. To the south, although there are detached dwellings abutting the site, some of their rear-yards are spatially separated from the proposed site development by the existing cemetery. The almost total isolation of the site from direct contact with residential lots is an important factor for consideration.

While the precise number of off-street spaces needed to satisfy the requirements inherent in the recent City report on parking standards for P.R.A. has not been defined, the range of those requirements has been sufficiently identified to conclude that site area available for off-street parking is intrinsically and locationally satisfactory.

Compatibility with surrounding land uses

This criterion falls into two categories: visual and functional compatibility. As regards visual, two factors combine to indicate that the proposal can be compatible with its surroundings. First, as described earlier in this report, the site is predominantly removed from direct contact with existing and future residential development; and second, there is ample opportunity to ensure compatibility through the site plan approval process, via features that can be built into the development in terms of building height and mass, landscaping, lighting, signage and screening. Functional compatibility relates to traffic generated by the P.R.A. Although the developed proposal would increase traffic volumes on the local streets, particularly Durie Road and Carolyn Road and particularly on Sundays, analyses of the volumes by the City and the proponent's consultants indicate that the road network can accommodate them.

Adequate engineering services

Both the Mississauga and the Peel Public Works Departments state that services are available to accommodate the proposed development.

Sufficient capacity in the transportation network

As mentioned earlier, studies by the City and consultants on behalf of the proponents show there is adequate capacity to accommodate the proposal.

A design harmonious in character with adjacent development

A site plan has been submitted in support of the application which proposed a two-storey structure of approximately 2 441 m^2 (26,280 sq.ft.).The detail of the building is sympathetic to the surrounding residential area; the cross and sign identifying the church are discreet and dignified.

More specifically as regards the relationship between the proposed P.R.A. and the neighbouring residential area, the factor that has some potential for adverse impact is parking, in terms of its location, design and numbers. Parking involves noise, movement, and lights. By locating the parking at the rear of the site and the building at the front, the proposed site plan not only provides an attractive vista from Durie Road, but also isolates the bulk of the parking activity (with exception of a drop-off area at the front of the building) to the back of the site. The building itself offers a shield from the parking area to the residential area to the east and northeast. The existing Greenbelt along the north, as well as the landscaping and buffering which will be added, will provide screening from the residential area to the north. To the west, the lands are occupied by a cemetery and the Credit River. To the south, the residential lands are partially separated from the site by the existing cemetery and an existing line of trees to be retained. Those features will be complemented by an earth-berm and a landscaped buffer so that automobiles and, particularly, their lights, will not be observed from the ground floor or at-grade activities of the residences.

The design will ensure that all required lighting for the parking area will be directed on-site and not towards the residential area. Vehicular access will be from two points off Durie Road and a lane along the northerly boundary of the site. The access points to Durie Road, the more southerly of which intersects Durie Road opposite Riverway Crescent and provides a turning and drop-off point at the front of the building.

In summary, the result of evaluating the location and envisaged development of the site against the prescribed Secondary Plan policies is that the proposed P.R.A. has sufficient merit to warrant approval. Such approval, however, will be conditional upon satisfactorily resolving the details of the site development plan and any requirements inherent in the following comments.

Mississauga Hydro has indicated that a grade-level transformer vault will be required, and that main-feeder, cost-sharing will apply.

The Credit Valley Conservation Authority has advised that the top-of-bank of a tributary watercourse of the Credit River along the northerly limit of the subject lands has been staked, and that a survey is required to confirm the delineation of the greenbelt limit. All land below the approved top-of-bank will be dedicated to the City, as a condition of approval. Also, approvals will be required for setbacks from the approved top-of-bank.

The City Finance Department has indicated that the development of the subject lands will not require any changes to the adopted 1987-96 Capital Budget and can be accommodated within existing City policies governing the financial obligations of land developers (See Appendix 3).

In conjunction with the proposed development, there are engineering and conservation matters with respect to street-tree planting, land dedication, site drainage, grading, cash contributions towards the reconstruction of Durie Road, municipal services protection deposit, grading deposit, hoarding, etc., which will require the applicant to enter into appropriate agreements with the City.

In addition, there are financial requirements, including the payment of development levies and the Hydro Mississauga Impost Levy, that will require the applicant to enter into a financial agreement with the City and any other official agency concerned with the development of the land.

CONCLUSION

The evaluation of the St. Joseph's proposal in the context of prevailing planning policies has determined that the proposal should be recommended for approval. Based on the site's unique intrinsic and locational characteristics, and the relocative aspect of the proposal, however, it is highly unlikely that such approval could be used as a precedent for other approvals. Consequently, there is no apparent need to change the current policies affecting P.R.A.

RECOMMENDATION That the Planning Staff Report dated December 7, 1987, recommending approval of the application to amend the Zoning By-law under File OZ/81/87 (W), The Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada, (west side of Durie Road, south of Bristol Road West), subject to site development plan approvals and the applicant's agreeing to satisfy the financial and all other requirements of the City and any other official agency concerned with the development of these lands, be adopted.

R.G.B. Edmunds
Commissioner of Planning

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THE ABOVE RECOMMENDATION IS MADE ON THE ASSUMPTION THAT ALL OF THE CITY'S FINANCIAL REQUIREMENTS WILL BE MET, INCLUDING THE PAYMENT OF DEVELOPMENT LEVIES. IF OTHERWISE, THEN THIS REPORT WILL HAVE TO BE RECONSIDERED.

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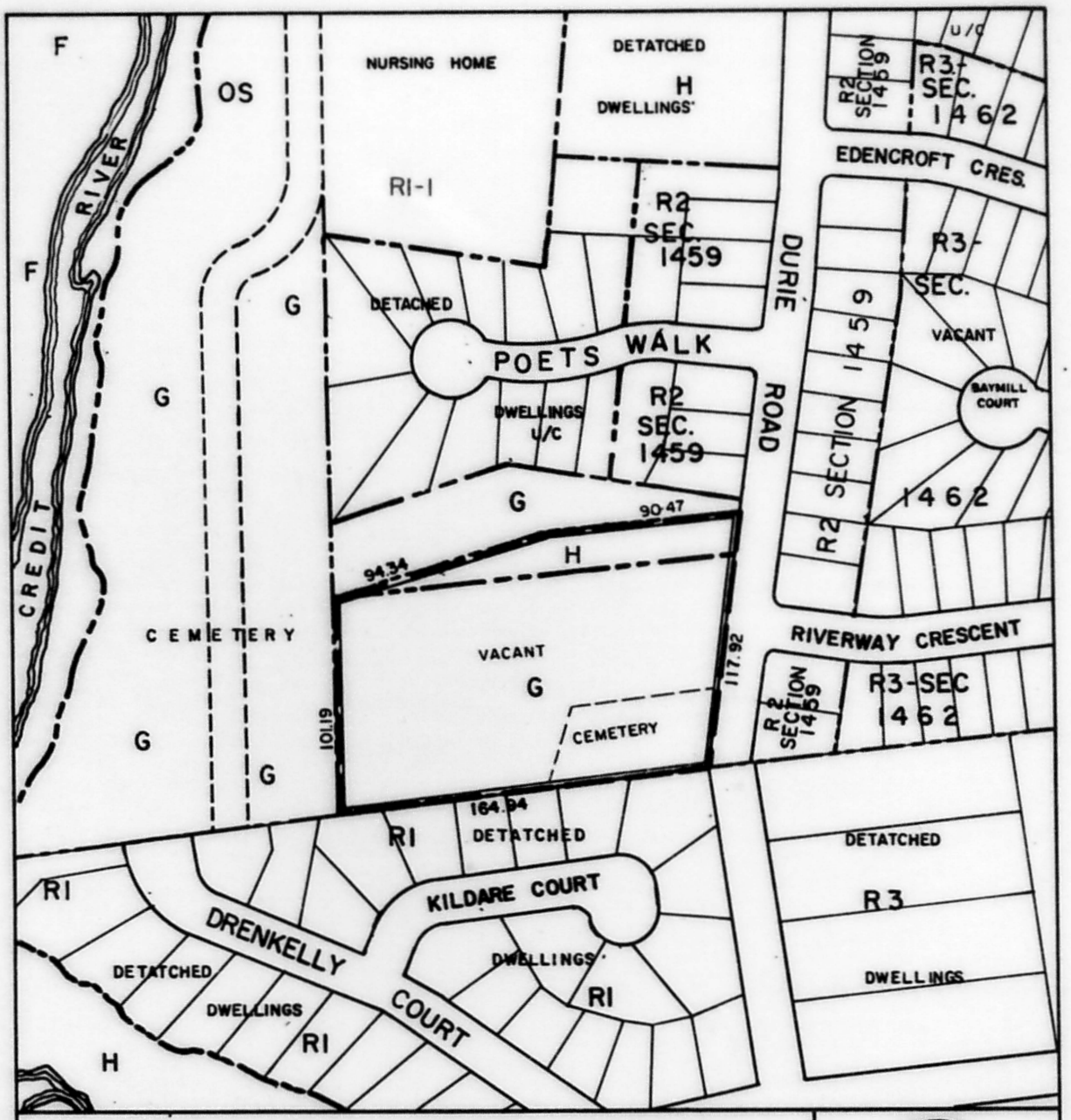


APPLICATION: ROMAN CATHOLIC EPISCOPAL CORPORATION

PROPOSED REZONING FROM 'G' AND 'H' (STREETSVILLE) TO RI-SPECIAL SECTION
(to permit a place of religious assembly with accessory facilities including a parish hall, rectory and office)

SCALE: 0 25 50 metres

FILE NO. OZ/81/87

DWG. NO. 1841

DATE 1987, DEC. 7

CITY OF MISSISSAUGA PLANNING & BUILDING DEPARTMENT

Appendix 1

Ontario

Ontario Municipal Board

M 860632

IN THE MATTER OF Section 44(12) of The Planning Act, 1983

AND IN THE MATTER OF an appeal by Linda D. McClellan, Peter Orphanos and Ken Poulsen from a decision of the Committee of Adjustment of the City of Mississauga whereby the Committee granted an application numbered A 611/86 by the Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada for a variance from the provisions of By-law 63-50 as amended, upon condition, lands being composed of part of Lot 3, Concession 4, W.H.S.

RECEIVED
REGISTRY No. 633
DATE JUN 2 1987
FILE No. B-08-01
CLERK'S DEPARTMENT

COUNSEL:

R. Sleightholm - for Linda D. McClellan Peter Orphanos and Ken Poulsen

P. Lauwers - for Roman Catholic Episcopal Corporation

DECISION OF THE BOARD delivered by P.M. BROOKS

This is an appeal against a decision of the Committee of Adjustment granting as a minor variance an application by the Roman Catholic Episcopal Corporation for the Diocese of Toronto ("the Corporation") for permission to construct a church on a parcel of land having an area of about five acres, located on the west side of Durie Road at the "T" intersection of that street and Riverway Crescent. The site is located near the southeasterly extremity of the former Town of Streetsville. Although the Town is now part of the City of Mississauga, the Town's by-law, No. 65-30, still applies to the site, as it does to much of Streetsville. The site was given to the Corporation by a parishioner, and has been used as a cemetery. About one acre of the site has been so used, and the entire site is zoned Cemetery ("G") Zone. The only permitted uses are "a cemetery, crematorium, columbarium or mausoleum" and accessory buildings, structures or uses.

The proposed church is intended to replace the former St. Joseph's Parish Church, located on the north side of Bridge Street, which was damaged beyond repair by fire in 1985. The old church, which dated back to the

1840's, had a seating capacity of only 400, and was located on a site having an area of less than one acre. It was decided, for various valid reasons, that the old site is inadequate and that economic and other factors indicated that the Durie Road site is much to be preferred. The proposed new St. Joseph's Parish Church will have a capacity of 840, and will include a parish hall, a day care centre and a rectory.

At the end of 1985 the architects for the Corporation approached City staff on the subject of a rezoning to permit the construction of a church on the subject site. The Director of Development Control for the City responded by advising that the East Credit Secondary Plan provides that churches "should be located on arterial, major collector and collector roads" and that Durie Road does not qualify.' The director's letter went on to say that the Secondary Plan also states that other locations "will be considered" subject to accceptable access, parking, landscaping and buffering, compatibility with surrounding uses, adequacy of the transportation network and a design "harmonius in character with existing development".' The director said that a rezoning application and site plan would be processed if received.

In February 1986, the architect submitted an application for rezoning of the site from G to "R1-Special Section" to permit a church with ancillary uses including a rectory, community hall and offices. In April the director again wrote to the architect to tell him that the planning department had considered the application "on its planning merits" and had concluded that the department's recommendation would be for refusal. The director said that the impact of a large church on a low-density residential area would be significant, and that the staff had found "insufficient justification to recommend waiving the policy which restricts churches in residential areas to major roads only".

At this point in the proceedings, the responsible church officials decided to abandon the rezoning application without further ado and make application to the Committee of Adjustment for a minor variance. The

appellants have appealed against the decision of the Committee of Adjustment which authorized as a minor variance the use of the subject site for a church with certain ancillary uses, subject to a condition.

Although the Corporation was in the position of respondent, its counsel suggested that the Corporation should proceed first. This is in accord with the theory that the proceeding before the Board is de novo, and the hearing proceeded on that basis. The Board heard full evidence on all the issues from both sides, and received in evidence 49 exhibits. The witnesses for the Corporation were Father Ronald Kelly, Vice-Chancellor of the Diocese of Toronto, Hugh Thompson, a planner, Rocco Maragna, the architect who designed the proposed church, Brad Fleisher, a landscape architect, Jack McConaghie, president of the St. Joseph's Parish Council, John Bonvivere, a traffic engineer, and Michael Wren, a lawyer. Counsel for the Corporation also filed a noise impact study prepared by a firm of accoustical engineers, but, with the consent of counsel for the appellants, did not call the author of that report. Richard Scott, a planner, gave expert evidence on benalf of the appellants, and Linda McClellan, Peter Orphanos and Kenneth Poulsen, the appellants, gave evidence explaining and supporting their appeals.

Section 44(1) of the Planning Act provides that the Committee of Adjustment, and the Board on an appeal, may authorize a variance from the provisions of the zoning by-law if:

1) it is minor;
2) in the Committee's or Board's opinion it is desirable for the appropriate development or use of the land, building or structure; and
3) in the Committee's or Board's opinion the general intent and purpose of the by-law and of the Official Plan are maintained.

The Committee, and the Board, if it intends to authorize the variance, must be satisfied on all of these matters. If the applicant fails on any one of these tests the application must fail. Counsel for the Corporation obviously understood his client's position in this regard, and it was for

that reason that he led evidence intended to satisfy the Board on all of the tests in Section 44(1) of the Act.

In argument both counsel made reference to a number of Board decisions dealing with the question whether a Committee of Adjustment and the Board, under the guise of authorizing a minor variance, have the authority under Section 44 of the Act to permit a use not listed in the by-law as a permitted use in the zone in question. Probably the most thorough discussion of this issue is to be found in City of Burlington v. Michael Weinberg and Associates Ltd., 17 O.M.B.R. 271, in which my colleague, P.H. Howden, Q.C., carefully reviewed the authorities and concluded that the real issue in such cases is whether or not the permission of a new use can be considered to be a minor variance from the provisions of the by-law, rather than a question of jurisdiction.

In the present case the Board has no doubt as to its jurisdiction to authorize the variance applied for, if otherwise persuaded that it should do so.

The Board heard and understood the opinion evidence of the Corporation's planning witness, Mr. Thompson, on the question as to whether the variance applied for is minor. Mr. Thompson's opinion that the variance is minor is in part based on the "functional relationship" between churches and cemeteries. The relationship, according to Mr. Thompson, is particularly strong in this case because the proposal is to build St. Joseph's Parish Church on a site whose only use has been as St. Joseph's Cemetery. Mr. Thompson also pointed out that the "G" zoning of the site is an open space zoning, and the construction of the proposed church on the site will leave the property consisting of 55 per cent landscaping, only 10 per cent for the church building, and the remaining 35 per cent a thoroughly screened parking area.

Mr. Thompson's arguments are not persuasive. The "functional relationship" between churches and cemeteries is such a well-known fact that

it is scarcely necessary to resort to the expertise of a professional planner to support it. Notwithstanding this obvious relationship Council decided to exclude churches from cemetery zones. This is certainly not the kind of situation referred to in Re City of London By-law, Western Tire & Auto Supply Ltd. and Weinstein (1960), 23 D.L.R. (2d) 175, [1960] O.R. 225 sub nom. R. v. London Committee of Adjustment Ex p. Weinstein, as authority for the proposition that "the law is clear that s. 44(1) of the new Planning Act, 1983, does not give jurisdiction to establish a use." A perusal of the decision of the Court of Appeal in that case, delivered by Morden J.A., reveals the following statement, at p. 181 D.L.R., p. 236 O.R.:

> "When one considers the great detail of uses enumerated in this by-law and in most zoning by-laws, one appreciates the need for a less cumbersome and more expeditious procedure than that required for the effective amendment of such by-laws to permit uses not mentioned and apparently not contemplated when the by-law was first enacted. The Committee is empowered to authorize "minor variances". It would be difficult to define the exact ambit of those words. For the purpose of this judgment, I am not required to embark upon such a voyage...It may be that the proposed use by the Goodwill Rescue Mission when properly described and defined might fall within the term minor variance."

The Board believes that a good example of what Mr. Justice Morden may have had in mind would be the development of a new form of retail shop that was unknown when the by-law use definitions were worked out, and which for that reason is not included in the definition. It can be seen that in this example the "general intent" of Council, reflected in the by-law, was to permit all retail uses as they were known at the time. All other considerations being satisfactorily addressed, there may be a proper case for a minor variance to permit the use of a property for the purpose of a retail shop of the new variety. Parish churches, of course, are certainly not a new concept, nor is their association with cemeteries. There can be no argument analogous to the retail store example just given that it was the "general intent" of Council in zoning the site as it did to permit churches.

The proposal to provide generous landscaping around the church does not support an argument that the use of the site will be in effect an open space use, and that the proposed variance to permit the church in an Open Space

(Cemetery) zone is minor or within the general intent and purpose of the by-law, or both.

Having considered all the evidence on this point, the Board cannot find that the proposed variance is minor, or that it would maintain the general intent and purpose of the by-law.

The bulk of the evidence during the hearing was directed towards the issues of conformity with the general intent and purpose of the Official Plan, and the desirability of the proposal for the appropriate development or use of the land. Much of the evidence related to the Official Plan concerned certain specific criteria in the East Credit Secondary Plan relating to permitting places of religious assembly on sites not on arterial, major collector or collector roads.

Counsel for the Corporation asked the Board, whatever disposition it might make of the appeal, to deal with all of the issues dealt with in the hearing. Having considered this request, the Board concludes that it would be inadvisable to do more than find that the proposed variance is not minor and does not maintain the general intent and purpose of the by-law. It would appear that the Corporation was proceeding in the right direction when it initially approached this matter as requiring a zoning amendment. If the Corporation decides to continue with its rezoning application the matter will eventually have to be dealt with by Council, which will have to make its own decisions on the issues involved. Those decisions should be completely independent of any opinions the Board may have formed on those issues.

The appeal is allowed and the Corporation's application is dismissed.

DATED at TORONTO this 28th Day of May,1987

P.M. BROOKS
VICE-CHAIRMAN

3.4.4 Places of Religious Assembly

To ensure that there are adequate opportunities for the establishment of suitably located Places of Religious Assembly in the District, the following policies will apply:

a. Places of Religious Assembly will be permitted in all land use designations subject to the guidelines in Appendix F and the following criteria:

   - sites should be located on arterial, major collector, and collector roads, preferably at their intersections, adjacent to shopping centres, schools, or wherever parking facilities can be shared;

b. in addition, other sites for Places of Religious Assembly will be considered subject to, among other matters, adequate provision being made for:

   - acceptable ingress and egress, off-street parking, landscaping, and buffering;
   - compatibility with surrounding land uses;
   - adequate engineering services;
   - sufficient capacity in the transportation network;
   - a design harmonious in character with adjacent development;

c. if an existing Place of Religious Assembly site is not required, the land use designation on Schedule 2 will apply without further amendment to this Plan; the Place of Religious Assembly symbol will be removed when this Plan is updated by consolidation;

d. during the processing of draft plans of subdivision, specific sites may be identified for Places of Religious Assembly.

Appendix 3

FINANCIAL IMPACT REPORT

DEVELOPER: The Roman Catholic Episcopal Corporation

APPLICATION NUMBER: OZ/81/87 (W)

PURPOSE: Place of religious assembly

LOCATION: East Credit Planning District

West side of Durie Rd., south of Bristol Rd. W.

FINANCIAL IMPACT SUMMARY: No change in the 1987-96 Capital Budget and Forecast.

GROSS AREA: 1.92 ha (4.7 acres)

DWELLING UNITS: 0

POPULATION: 0

PARKLAND DEDICATION: The developer will pay cash in lieu of parkland dedication to meet the requirements of the PLanning Act.

DEVELOPMENT LEVIES:

	GROSS ($'000)	POTENTIAL CREDITS ** ($'000)
City		
Roads	48	NO
Drainage	15	NO
Fire	3	NO
Total	66	
Region	0	n.a.
Hydro	13	n.a.

Note: **) Levy credits, if any, will be set out in the financial agreement and are subject to Council approval.

CAPITAL BUDGET IMPACT BY DEPARTMENT

NOTE: Funding is actually allocated only to the first year (1987) of the 1987-96 Capital Budget and Forecast. For years 1988-96, the funding shown is only a recommendation, and is subject to annual review and revision.

PUBLIC WORKS: The reconstruction of Eglinton Ave. from Mavis Rd. to Creditview Rd., is scheduled for 1988 in the ten year plan at a revised gross cost of $4,700,000. The City approved the reconstruction of Creditview Rd. from Eglinton Ave. to Bristol Rd. at an estimated gross cost of $2,500,000 in 1987. Reconstruction of the section of Creditview Rd. from Bristol Rd. to Britannia Rd. is scheduled for 1988 at a revised gross cost of $2,500,000.

No developer emplacements eligible for development levy credits are contained in this application.

TRANSIT: The Transit Department will expand the bus fleet and the terminal facility as the new areas develop. The closest existing Transit service is available on Eglinton Ave. W. (Routes 9 and 34).

FIRE: Primary fire protection for this area is currently provided from Station #8 (Britannia Rd.). Construction of new Station #14 (Britannia Rd./Hurontario St.) was approved in the 1987 Capital Budget.

OPERATING COSTS

Operating costs for this development are expected to be normal for an institutional development.

NOTE: All figures relating to parkland dedication and development levies are approximate and are provided for information only. The actual amounts will be determined by the appropriate City departments at time of final processing of the application and are subject to Council approval.

Finance Department
November 22, 1987.

REPORT PREPARED FOR THE DECEMBER 7th, 1987

COMMUNITY PLANNING & DEVELOPMENT
COMMITTEE MEETING - OZ-81-87

Re: Re-Zoning Application, The Roman Catholic Episcopal Corporation for the Diocese of Toronto in Canada (St. Joseph's Catholic Church)

File: OZ-81-87

Prepared by: Linda D. McClennan 821-0520
5344 Durie Road
Mississauga, Ontario L5M 2C7

Distribution:

Councillor H. Kennedy
Councillor P. Mullin
Councillor M. Prentice
Councillor L. Taylor, Chairman
Councillor D. Lane
Councillor T. Southorn
Mayor H. McCallion (ex officio)
All Other Councillors & Mr. R. Edmunds

Report Attachments:

Appendix "A" -Excerpt By-Law 667-85 Section 22E with Schedule2 "1" and "2" Attached (Section 22E By-Law 5500)

Appendix "B" -By-Law 65-30 The Corporation of the Town of Streetsville - Section 9 "First Density Residential (R1) Zone - Clause (1)- Sub-Paragraph (c)

Appendix "C" -J. Dorrell letter of April 21, 1986 addressed to Maragna & Associates

Date: December 4th, 1987

L. McClennan
Linda D. McClennan

December 5th, 1987

The purpose of this report is to draw the Committee Members attention to pertinent By-Laws that were precluded from the Commissioner of Planning and Building Report prepared in support of the Re-Zoning application under file OZ-81-87 wherein his recommendation to the Committee Members was for approval of this application to amend the Zoning By-law.

1. PERTINENT BY-LAWS

(i) 667-85 - Section 22E - "No person shall use land or erect or use a building or structure for a place of religious assembly in a Residential Zone except in compliance with the following requirements:

(a) every lot shall have a front yard or side yard which abuts a highway or part thereof designated on Schedules "1" and "2" of this section;"

.....etc.

BY-LAW 667-85 WAS PASSED BY COUNCIL ON JULY 17, 1985 AND SCHEDULE 2 TO SECTION 22E, BY-LAW 5500.

Durie Road is not included on these schedules, specifically Schedule 2 which designates the acceptable roads within our community, including new roads.

(ii) THE CORPORATION OF THE TOWN OF STREETSVILLE, BY-LAW 65-30, Section 9. FIRST DENSITY RESIDENTIAL ("R1" ZONE, Clause (1), USES PERMITTED. "No person shall within any "R1" Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following "R1" uses, namely: (a), (b), or (c) Public and Institutional Uses "A place of religious assembly provided that it is built and located on a lot which has a front yard or exterior side yard which abuts Queen Street, Thomas Street or Britannia Road West." DURIE ROAD DOES NOT MEET THE REQUIREMENT OF BY-LAW 65-30 IN THIS REGARD.

2. Site Development Plan/Place of Religious Assembly Facilities

Page 2 of the Community Planning & Development Report states that the original application was submitted for a place of religious assembly, and a social hall, meeting rooms, daycare centre, and residence with a total gross floor area of approximately 1796m^2 (19,332.6 sq. ft.)..... ..... and that satisfaction of all the above-noted matters has not been demonstrated and, therefore, the application should be refused".

Page 4 of the report states a re-zoning application under File OZ/81/87 (W) August 24, 1987 to change the zoning from G and H to R-1 Special Section and, thereby, allow a place of religious assembly and ancillary facilities, including parish hall, rectory office and residence, with a total gross floor area of approximately 1923m^2 (20,700 sq. ft.) on the subject lands.

Page 8 of the report states the proposed application for a two-storey structure of approximately 2441m^2 (26,280 sq. ft.).

The report indicates conflicting square footage on the proposed facilities and since the original smaller proposed facilities in square footage accommodated an 800 seat church, social hall, meeting rooms, day care centre, rectory office and residence, we seriously question the proposed downgrading from an 800 seat facility to a 690 seat facility to"serve between 800 and 1,000 worshipers for normal services (assuming more than one service per day) with highs of about 1,450 and 1,550 at Christmas and Easter services, respectively," in a larger facility, than originally proposed.

Additionally, this more recent proposal for a larger facility precludes the mention of day care facilities - are we to assume therefore, that the facilities have been made larger to accommodate more seats and the addition of day care facilities at a later date.

Based on the foregoing, we conclude that the growth in the square footage of the facilities and the conflicting square footage figures given in this report, preclude this application from being approved.

3. Road Classification - Durie Road, Page 5 of the Report is identified as a "Local Road" intended to accommodate low volumes of traffic from nearby lands, and is not adjacent to shopping centres, schools or wherever parking facilities can be shared", it does not meet the preferred location for P.R.A. envisaged by subsection a. of By-law 5500.

The report further states: "However, subsection a states that sites "should be", not "Must" or "shall" or "will" be on the roads described.

This is not an accurate statement when you refer to By-law 667-85 which states "No person shall (see page 1 of this report), and every lot shall and the words "provided that" per By-law 65-30.

One of the key elements to the By-laws and Church Location Policy was the location of PRA's relative to keeping their location on high-traffic and moderate traffic roads being major collector, collector and arterial roads and at locations where "parking facilities" can be shared. Durie Road as recognized in this Planning Report is a local, internal residential road classified to accommodate "low volumes" of traffic, not large volumes of traffic associated with feeding a PRA which at peak times can accommodate over 1,000 people; but rather, the traffic associated within our residential community to meet our needs.

4. The St. Joseph's Cemetery Site and respective site plan encourages the use of all the available lands to accommodate the facilities and parking requirements on this specific site, by today's standards. Page 7 of the report states that "While the precise number of off-street spaces needed to satisfy the requirements inherent in the recent City report on parking standards for P.R.A. has not been defined, the range of those requirements has been sufficiently identified to conclude that site area available for off-street parking is intrinsically and locationally satisfactory."

Based on our Traffic Impact Study and findings in support of the O.M.B. hearing on the original application, and since the City's parking standards for P.R.A. have not been defined, we feel this must be defined. . Based on the history of parking problems associated with other PRA's and published in local newspapers, i.e. St. John of the Cross, and others, this off-street parking standard must be defined, prior to any approvals of this large facility which, intrinsic to its very site location, has no direct access to shared parking facilities, such as schools, shopping centres, etc. If they were to look to sharing the parking facilities within the adjoining Public Cemetery, the single lane road network within the Cemetery and adjoining "Quiet Zone" of Chelsey Park Rest/Nursing Home would be impacted and the very nature of the Public Cemetery lands as a perpetual resting place would change. Additionally, the road network within the Public Cemetery cannot facilitate two lanes of traffic in the area adjoining the proposed St. Joseph Church facilities site.

5. OPEN SPACE DESIGNATION ON CEMETERY LANDS (PUBLIC & ST. JOSEPH'S CEMETERY LANDS)

While the Secondary Plan states that P.R.A.'s can be located in any land designation, to locate them in an "Open Space" designation would seem to be contrary to the "spirit" and intent of the "Open Space" use. By definition, "Open Space" should be 'just that'.

In our opinion, placement of a PRA in an "Open Space" designation would set a precedent for this to occur anywhere in the City of Mississauga. To avoid this precedent, in our opinion, an "Offical Plan Amendment" would be required.

CONCLUSION:

We feel that the evaluation of the St. Joseph's Re-Zoning proposal should also take into consideration that:

(a) In January of 1986 the Director of Development Control for the City advised that churches "should be located on arterial, major collector and collector roads" and that Durie Road does not qualify".. (see page 2 of the OMB Hearing);

(b) In April of 1986 Mr. J. Dorrell considered the Churches application "based on its planning merits and concluded that our recommendation will be for refusal".....(see Appendix "C" Letter of April 21, 1986 attached), (Also Page 2 of the OMB Hearing Report).

(c) It was at this juncture that the Roman Catholic Episcopal Corporation (the "Corporation) decided to preceed to the Committee of Adjustment for a "minor variance" on these lands, which was granted by the C.O.A. and dismissed by the O.M.B. in May of 1987.

(d) By-laws 65-30 and 5500, By-law 667-85, Section 22E and the "Open Space Designation" on the site.

In summary, these pertinent points must be considered and addressed in this application and since the original proposed facilities have grown in square footage, the original recommendations for refusal of this application by City Planning Staff should apply.

The "Open Space" designation on these lands, combined with the highway and road designations in By-laws 65-30 and 667-85, Section 22E, paragraph (a) **must be considered,** and are significant to the original intent and purpose of the City's Church Location Policy and By-law 5500.

As such, if they are not deemed key elements, then it is highly likely that such an approval of this re-zoning application can and will be used to set a precedent for other approvals.

Fully recognizing that other sites do exist within St. Joseph's catchman area, i.e. East of Creditview, North and South of Bristol, and also on the residential zoned lands North & South of Thomas Street/East & West of Erin Mills Parkway, re-location of St. Joseph's can be accommodated within the confines and intent of the City of Mississauga's By-laws and Church Location policies.

We look to the Planning Committee to evaluate this report, in addition to the current planning report, and recommend refusal of this application to the benefit of all of Mississauga.

I look to addressing the Committee on this report on December 7th, 1987.

L. McClennan

Linda D. McClennan

Appendix "A"

(667-85) **22D.** Notwithstanding anything in this By-law all places of religious assembly, including those for which a building permit has been issued, which lawfully exist on the day this By-law comes into effect (1985 Sept. 17) are deemed to comply with the provisions of this By-law.

(667-85) **22E.** No person shall use land or erect or use a building or structure for a place of religious assembly in a Residential Zone except in compliance with the following requirements:

(a) every lot shall have a front yard or side yard which abuts a highway or part thereof designated on Schedules "1" and "2" of this section;

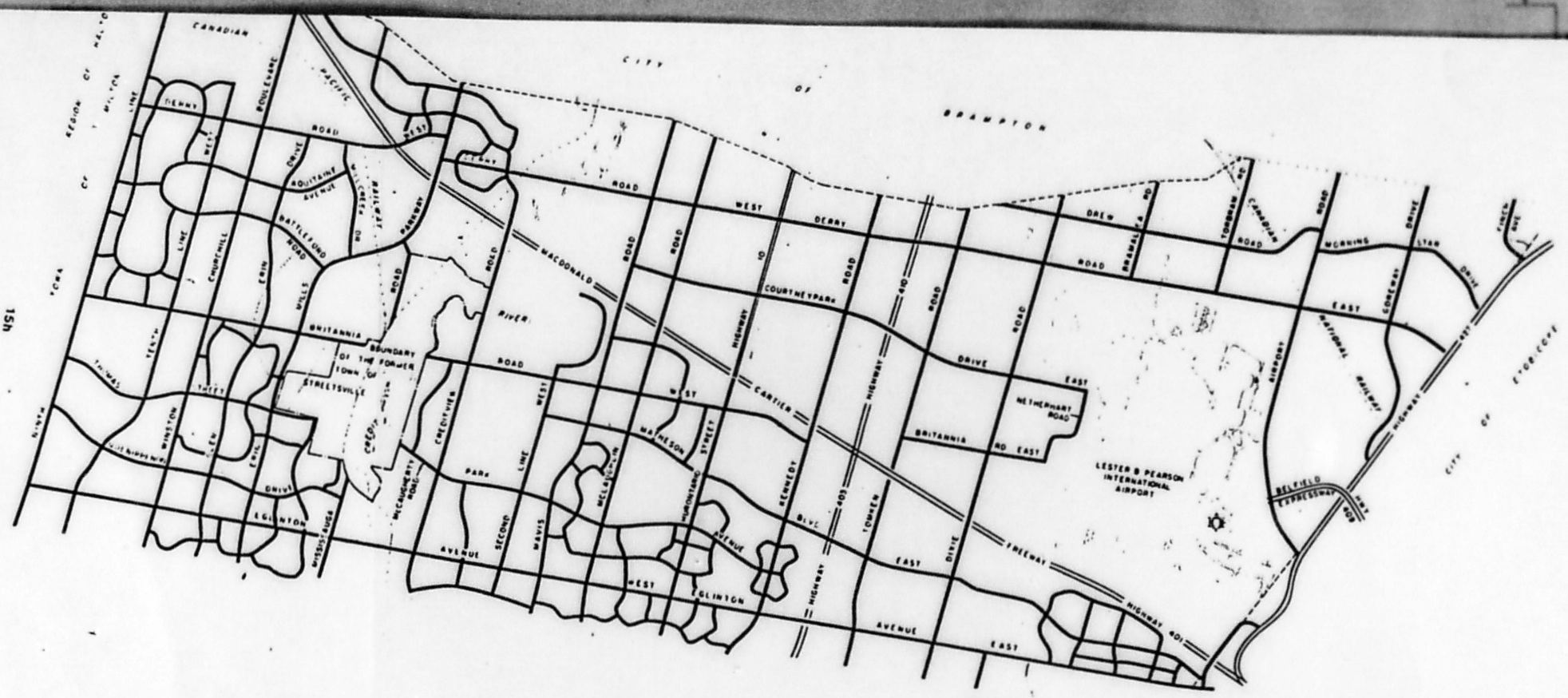
(b) every lot shall have a minimum front yard of at least 18 m;

(c) the minimum width of each side yard is the height of the place of religious assembly or 15% of the width of the lot, whichever is lesser;

(d) every lot shall have a minimum rear yard of 7.5 m.

(471-83) **22F.** Notwithstanding anything in this By-law, all semi-detached dwellings and row dwellings which lawfully exist, including those for which a building permit has been issued, on the day this By-law comes into force (1983 Sept. 01), are deemed to comply with the definitions contained in clauses 2(10)(b) and 2(10)(f), respectively.

1985 Sept 05



CITY OF MISSISSAUGA

✶ THIS IS SCHEDULE 2 TO SECTION 22E
BY-LAW 5500 AS INCORPORATED BY
BY-LAW 667-85 PASSED BY
COUNCIL ON 1985, JULY 17

'H. McCALLION'
MAYOR

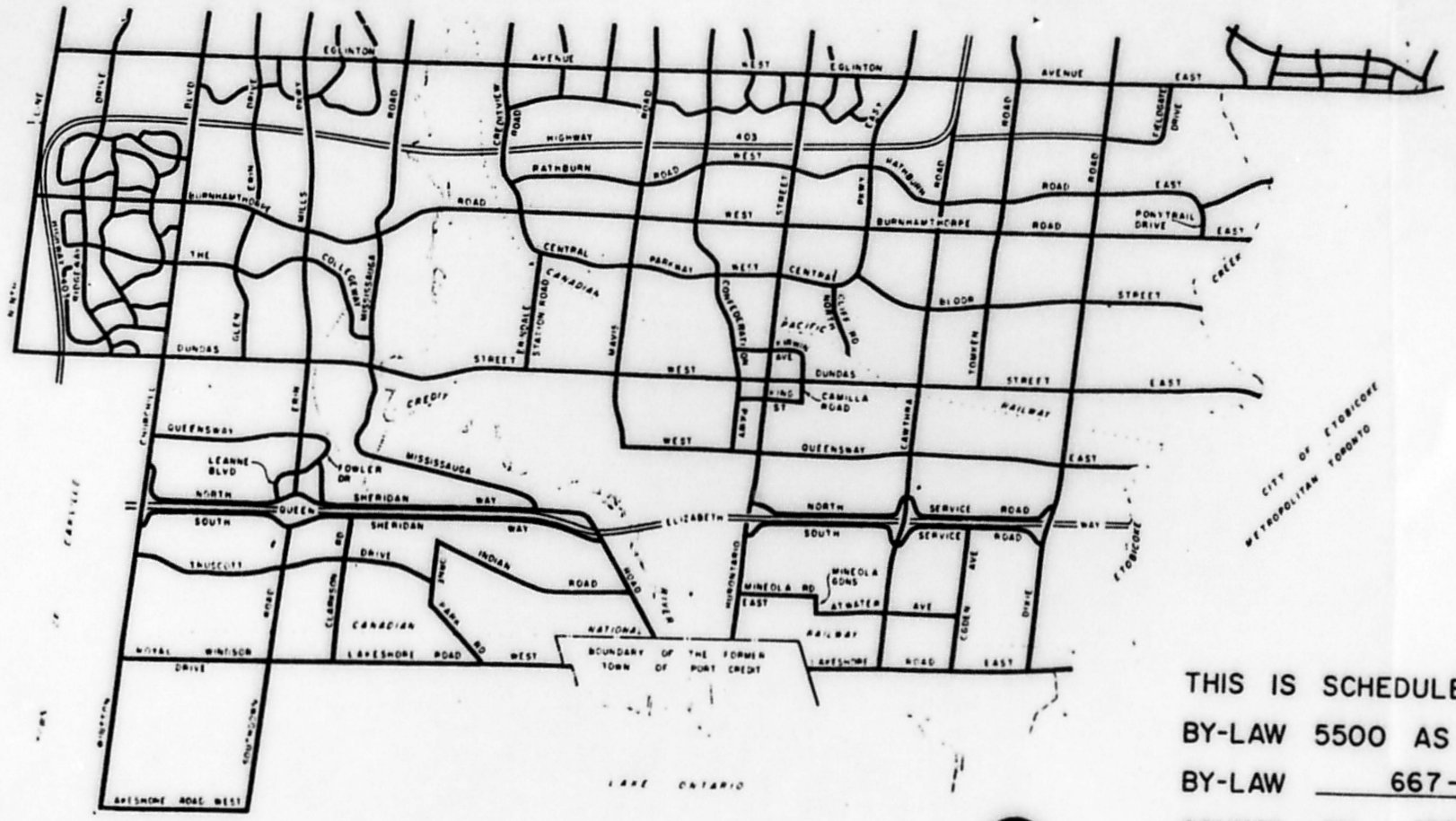
'T.L. JULIAN'
CLERK

15h

1985 Sept. 05

Appendix 'A'

Appendix A



CITY OF MISSISSAUGA

THIS IS SCHEDULE I TO SECTION 22E BY-LAW 5500 AS INCORPORATED BY BY-LAW 667-85 PASSED BY COUNCIL ON 1985, JULY 17

'H. McCALLION'
MAYOR

'T. L. JULIAN'
CLERK

1985 Sept. 05

Appendix "B"

Bylaw - 65-30.
Town of Streetsville

FIRST DENSITY RESIDENTIAL ('R1') ZONE

9. (1) USES PERMITTED

No person shall within any 'R1' Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following 'R1' uses, namely:

(a) Residential Uses

A single-family detached dwelling house.

A group home in a single-family detached dwelling house provided that the group home is not located closer than 800 m from an existing group home measured in a straight line from the nearest lot line of the existing group home to the lot line of the proposed group home, and that the group home is registered with the City of Mississauga.

(b) Business Uses

The professional practice of a physician, dentist or drugless practitioner subject to the following:

(1) the dwelling must be the principal private residence of the physician, dentist or drugless practitioner and the physician, dentist or drugless practitioner must not be a special, occasional or casual resident thereof and the dwelling must not be closer than 800 m from an existing medical office in a Residential Zone, measured along the street centre line and following the shortest street route;

(2) notwithstanding Section 25(3)(b) of this By-law no building and/or occupancy permit shall be issued prior to the approval of a site development plan by the City;

(3) a maximum of 100 m^2 may be used for the purposes of carrying on the practice of a physician, dentist or drugless practitioner, such area to be called the office;

(4) deleted by By-law 216-81;

(5) the office shall not be used to provide overnight accommodation for patients;

(6) notwithstanding anything in this sub-paragraph (b) any office of a physician, dentist or drugless practitioner in a one-family detached dwelling for which a building and/or occupancy permit was issued prior to 1978 Oct. 30, will be considered to be a permitted use in conformity with the provisions of this Section of the By-law.

(c) Public and Institutional Uses

A place of religious assembly provided that it is built and located on a lot which has a front yard or exterior side yard which abuts Queen Street, Thomas Street or Britannia Road West.

Appendix "C"

April 21, 1986

File: OZ/27/86

Maragna and Associates,
45-A Alvin Avenue,
Toronto, Ontario.
M4T 2A7

Dear Sirs:

Re: Rezoning Application, Toronto Catholic Archdiocese
Proposed Church, Community Hall and Ancillary Uses
West side of Durie Road

This application has been considered on its planning merits and we have concluded that our recommendation will be for refusal. The impact of activities generated by a large church and community hall on a low-density residential area would be significant, and we find insufficient justification to recommend waiving the policy which restricts churches in residential areas to major roads only. This policy is a fairly recent addition to the zoning by-law, including that of Streetsville. It was approved after extensive discussion with the Inter-Church Regional Planning Association, of which the Catholic Church is a member.

We propose to bring a report on this matter to the Community Planning and Development Committee shortly, with a recommendation for refusal. If, however, you decide to withdraw the application, we would appreciate being advised during the next two or three weeks. In the latter event, we would be pleased to discuss possible alternative locations with you, and to assist where we can.

Yours truly,

ORIGINAL SIGNED BY

J. Dorrell,
Director,
Development Control,
Planning Department.

JD/gt

cc: Councillor T. Southorn
J. McConaghie
L. McLennaV

Mr. & Mrs. Gordon B. Webster
5398 DRENKELLY COURT • MISSISSAUGA, ONTARIO L5M 2H4

December 7, 1987

RECEIVED
REGISTRY No. 1223
DATE DEC 7 1987
FILE No. 02/81/87
PLANS DEPARTMENT

City of Mississauga
300 City Centre Drive
Mississauga, Ontario
L5B 3C1

Attention: Planning Committee

Dear Sirs:

Re: Rezoning Application for
a church on Durie Road

As I will be out of town and unable to attend the meeting on December 7, 1987, I want to register my concern with the rezoning on Durie Road.

I did not become involved with the earlier minor variance issue as I moved into the area while it was in progress. However, with respect to this new approach, I want to ensure that the planning issues are properly addressed by the applicant especially when taken in context with the planning issues which the City originally considered necessary when the By-law was enacted. I do not see how the parking and traffic flow considerations can be properly satisfied at this location.

I also note that the revised plans provide for a walkway through to the cemetary behind the subject property. Presumably, this could cause parking and traffic flow problems on Drenkelly Court as well as Durie Road.

Yours sincerely,

Gordon B Webster
per M. Paro

Gordon B. Webster

GBW:mp

cc: Mayor Hazel McCallion
Mr. Ted Southorn
Linda McClennan